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Preston Gates & Ellis LLP

The Honorable Steven Gonzalez
Hearing Date: Friday, September 9, 2005
Without Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

Microsoft Corporation

Plaintiff,

v.

Kai-Fu Lee and Google Inc.,

Defendants.

NO. 05-2-23561-6SEA
NOTICE FOR HEARING
SEATTLE COURTHOUSE ONLY
(Clerk's Action Required) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2:

PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: September 9, 2005 Day of Week: Friday

Nature of Motion: Defendant's Motion to Dissolve or Modify Temporary Restraining Order

CASES ASSIGNED TO INDIVIDUAL JUDGES – Seattle

If oral argument on the motion is allowed (LR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The judge's name, date and time of hearing must be noted in the upper right corner of the Judge's copy. **Deliver Judge's copies to Judges' Mailroom at C203.**

☒ Without oral argument (Mon - Fri)

☐ With oral argument Hearing

Date/Time: Friday September 9, 2005

Judge's Name: Steven Gonzalez Trial Date: January 9, 2006

CHIEF CRIMINAL DEPARTMENT - Seattle in E1201

☐ Bond Forfeiture 3:15 pm, 2nd Thur of each month

☐ Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts)
3:30 First Tues of each month

CHIEF CIVIL DEPARTMENT – Seattle -- (Please report to E713 for assignment)

Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing

☐ Extraordinary Writs (Show Cause Hearing) (LR 98.40) 1:30 p.m. Tues/Wed -report to Room E713

☐ Supplemental Proceedings

(1:30 pm Tues/Wed)(LR 69)

☐ DOL Stays 1:30 pm Tues/Wed

☐ Motions to Consolidate with multiple judges assigned
(without oral argument) (LR 40(a)(4))

Non-Assigned Cases:

☐ Non-Dispositive Motions M-F (without oral argument).

☐ Dispositive Motions and Revisions (1:30 pm Tues/Wed)

☐ Certificates of Rehabilitation (Employment) 1:30 pm
Tues/Wed (LR 40(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: [Signature] Print/Type Name: Jofrey M. McWilliam

WSBA # 28441 (if attorney) Attorney for: Defendants Kai-Fu Lee

Address: 1000 Second Avenue, Suite 3800 City, State, Zip Seattle, WA 98104

Telephone: 206.622.2000 Date: 8/31/05

DO NOT USE THIS FORM FOR FAMILY LAW, EX PARTE OR RALJ MOTIONS.

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LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Counsel for Google, Inc.:

Michael W. Droke
Dorsey & Whitney LLP
1420 Fifth Avenue, Suite 3400
Seattle, WA 98101-4010

Counsel for Microsoft Corporation:

Jeffrey C. Johnson
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IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

The Honorable Steven Gonzalez
Hearing Date: Friday, September 9, 2005
Without Oral Argument

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY
MICROSOFT CORPORATION, a Washington
corporation,

Plaintiff,

v.

KAI-FU LEE and GOOGLE INC., a Delaware
corporation,

Defendants.

No. 05-2-23561-6SEA

DEFENDANTS' MOTION TO
DISSOLVE OR MODIFY TEMPORARY
RESTRAINING ORDER

I. RELIEF REQUESTED

Defendants Kai-Fu Lee and Google Inc. respectfully request that the Court dissolve or modify the temporary restraining order entered by the Court on July 28, 2005 ("TRO").

The TRO should be dissolved or modified for the reasons set forth in Kai-Fu Lee's Opposition and in Google's separate Opposition to Microsoft's Request for Preliminary Injunction, and the materials submitted in support thereof. In addition, the TRO should be dissolved or modified based on the evidence, argument and authority that will be presented by the Defendants at the evidentiary hearing scheduled for September 6 and 7, 2005.

As Defendants have shown in their Opposition briefing and materials, and as Defendants will further show at the evidentiary hearing, both the TRO and Microsoft's

DEFENDANT'S MOTION TO DISSOLVE OR MODIFY
TEMPORARY RESTRAINING ORDER - 1

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1 request for Preliminary Injunction are without basis in fact or law. As a consequence, the
2 TRO should be dissolved (and the request for preliminary injunction denied).

3 At a minimum, as set forth more fully in Google's Opposition to Microsoft's Motion
4 for Preliminary Injunction, Dr. Lee should be permitted to establish and staff a new product
5 development facility for Google in China pending trial of this matter. The TRO should be
6 dissolved or modified accordingly.

7 Defendants will present a form of order dissolving and/or modifying the TRO at or
8 following the evidentiary hearing already scheduled by the Court.

9 Respectfully submitted this 31st day of August, 2005.

10 DORSEY & WHITNEY LLP

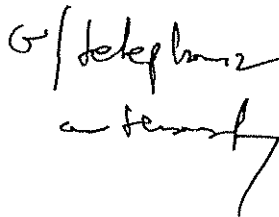
BYRNES & KELLER LLP

11
12
13 By 

14 Michael W. Droke, WSBA #25972
15 Attorney for Defendant
16 Google, Inc.

By 

14 Bradley S. Keller, WSBA #10665
15 Jeffrey M. McWilliam, WSBA #28441
16 Attorneys for Defendant
17 Kai-Fu Lee
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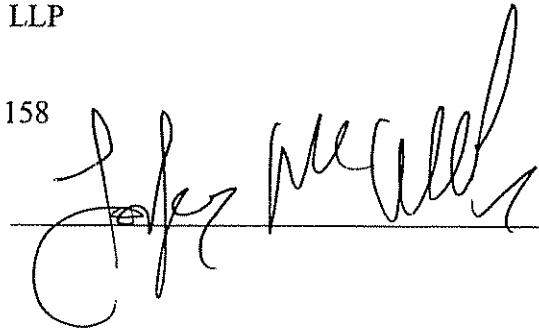


CERTIFICATE OF SERVICE

The undersigned attorney certifies that on the 31st day of August, 2005, a true copy of the foregoing pleading was served on each and every attorney of record herein via hand delivery:

Michael W. Droke
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A handwritten signature in black ink, appearing to read "Jeffrey C. Johnson", is written over a horizontal line.